



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/086,477 Confirmation No. : 3225
Applicant : Semple *et al.*
Filed : 3/1/02 Attorney Docket No.: 33846/US/3
Art Unit : 1632 Customer No. : 32,940
Examiner : Nguyen, D.
Title : COMPOSITIONS FOR STIMULATING CYTOKINE SECRETION AND INDUCING
AN IMMUNE RESPONSE

DECLARATION
Pursuant to § 1.132

I, Michael J. Hope, declare the following:

1. I have a Ph.D. in Biochemistry from the University of London, UK. I have done research in the field of lipids and liposomal delivery vehicles for thirty (30) years and published many papers in the field. My curriculum vitae is attached. I am familiar with the significant variations in the liposomal physical structure that can result from changes in composition and method of preparation. I have been employed by Inex Pharmaceuticals Corporation, the assignee of the above-referenced patent application, as a research scientist since 1994. I am personally familiar with the inventor of the Wheeler patent mentioned below, who was a colleague and co-researcher with me at Inex. I am also knowledgeable about the lipid compositions described by the Wheeler patent and the use thereof in forming lipid nucleic acid complexes as a delivery vehicle.
2. I am a co-inventor of the instant invention, and thus I have read the specification, made the lipid-encapsulated nucleic acid particles described therein, and am knowledgeable about their structure. I have also read the Office Action dated December 22, 2003 and I have read and understand each of U.S. Patent Nos.: 5,703,055 to Felgner, 6,207,646 to Krieg; 5,976,567 to Wheeler; and 6,143,716 to Meers, as well as the 1999 review article by McCluskie and the 1998 *J. Immunotherapy* article by Bei. Through my research experience and familiarity with the structure of liposomal compositions I am able to recognize the types of lipid/nucleic acid structures that would be formed by the methods